

JUN 30 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TODD BREWER WEEKS,

Plaintiff - Appellant,

v.

NOLAN ESPINDA; et al.,

Defendants - Appellees.

No. 10-15947

D.C. No. 1:10-cv-00183-JMS-
BMK

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
J. Michael Seabright, District Judge, Presiding

Submitted June 15, 2011**

Before: CANBY, O'SCANNLAIN, and FISHER, Circuit Judges.

Todd Brewer Weeks, a Hawaii state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging due process violations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

district court's dismissal of a complaint under 28 U.S.C. § 1915(A) for failure to state a claim. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Weeks's due process claim because Hawaii law does not create a liberty interest in the state's furlough program. *See Olim v. Wakinekona*, 461 U.S. 238, 249 (1983); Haw. Rev. Stat. § 353-17.

We will not consider Weeks's other claims because they are raised for the first time on appeal. *See Int'l Union of Bricklayers & Allied Craftsman Local Union No. 20 v. Martin Jaska, Inc.*, 752 F.2d 1401, 1404 (9th Cir. 1985).

Weeks's remaining contentions are unpersuasive.

AFFIRMED.